IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 14689 of 2007(W)

PETITIONER:

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1. A.ABDUL RAHIM, VILAYIL PUTHEN VEEDU,
   PUTHEN CHANTHA P.O.,CHAVARA, KOLLAM.

2. SHAREEFA BEEVI,VILAYIL PUTHEN VEEDU,
   PUTHEN CHANTHA P.O.,CHAVARA, KOLLAM.

3. SHIHABUDHEEN,VILAYIL PUTHEN VEEDU,
   PUTHEN CHANTHA P.O.,CHAVARA, KOLLAM.

4. A.NAZARUDHEEN,VILAYIL PUTHEN VEEDU,
   PUTHEN CHANTHA P.O.,CHAVARA, KOLLAM.

5. A.ABDUL LATHEEF,VILAYIL PUTHEN VEEDU,
   PUTHEN CHANTHA P.O.,CHAVARA, KOLLAM.

6. A.SHAJAHAN,VILAYIL PUTHEN VEEDU,
   PUTHEN CHANTHA P.O.,CHAVARA, KOLLAM.

7. ASEELA BEEVI,VILAYIL PUTHEN VEEDU,
   PUTHEN CHANTHA P.O.,CHAVARA, KOLLAM.

BY ADV. SRI.S.SOMAN
SMT.P.RAJATHA

RESPONDENTS:

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1. THE KERALA FINANCIAL CORPORATION,
   DISTRICT OFFICE, YMCA, BUILDING, QUILON-691 001.
   REPRESENTED BY ITS CHIEF MANAGER.

2. THE DEPUTY TAHASILDAR (RR),
   KERALA FINANCIAL CORPORATION,
   KOLLAM.

3. STATE OF KERALA REPRESENTED BY ITS CHIEF
   SECRETARY, SECRETRIAT,THIRUVANANTHAPURAM.

R1&2 BY ADV. SRI.A.A.ABUL HASSAN, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF LOAN AGREEMENT DT.16.11.2000 EXECUTED IN BETWEEN PETITIONERS & KFC.

P2: TRUE COPY OF INVOICE NO.1 DT.11.7.2001.

P2A: TRUE COPY OF FORM 27B DECLARATION.

P3: TRUE COPY OF INVOICE NO.2 DT.11.7.2001.

P3A: .DO. FORM 27B DECLARATION.

P4: TRUE COPY OF INVOICE NO.3 DT.11.7.2001.

P4A: .DO. FORM 27B DECLARATION.

P5: TRUE COPY OF INVOICE NO.4 DT.11.7.2001.

P5A: .DO. FORM 27B DECLARATION.

P6: TRUE COPY OF INVOICE NO.5 DT.11.7.2001.

P7: TRUE COPY OF NOTICE DT.22.2.03 ISSUED BY R1 TO PETITIONER.

P8: TRUE COPY OF JUDGMENT DT.24.5.06 IN WPC NO.10871/2006.

P9: TRUE COPY OF LETTER DT.22.8.2006 FROM KFC TO THE PETITIONER.

P10: TRUE COPY OF LETTER DT.25.2.2006 OF THE PETITIONER TO R1.

P11: TRUE COPY OF NOTICE DT.4.8.2003 OF KFC TO PETITIONER.

P12: TRUE COPY OF NOTICE DT.23.4.2003 U/S.29 OF SFC ACT.

P13: TRUE COPY OF NOTICE DT.30.1.2006 OF ATTACHMENT OF IMMOVABLE PROPERTIES.

P14: TRUE COPY OF SALE NOTICE DT.12.2.07 FOR IMMOVABLE PROPERTY.

P15: TRUE COPY OF APPLICATION DT.19.3.2007 FILED U/S.6 OF RIGHT TO INFORMATION ACT.

P16: TRUE COPY OF MAHAZAR DT.22.3.2007 ATTACHING TO MOVABLES.

P17: TRUE COPY OF NOTICE DT.9.4.2007 FOR SALE OF IMMOVABLE PROPERTY.

RESPONDENT'S EXHIBITS:

R1(A): TRUE COPY OF SANCTION LETTER DT.21.10.2000 WITH ANNEXURE-VI.

R1(B): TRUE COPY OF REPORT OF TECHNICAL OFFICER OF THE KFC DT.16.8.2000.

R1(C): TRUE COPY OF 2ND REPORT OF TECHNICAL OFFICER OF THE KFC DT.31.5.2002.

R1(D): TRUE COPY OF STATEMENT OF ACCOUNTS AS ON 21.5.2007.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.14689 of 2007

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Dated this the 18th day of June, 2007.

JUDGMENT

The petitioners applied for a loan from KFC for starting an industry in October 2000. Loan amount of RS.50 lakhs was sanctioned, out of which RS.35 lakhs was for procuring machinery and balance Rs.15 lakhs for construction of building. Petitioners' case is that KFC did not release the balance loan amount after releasing Rs.25 lakhs and therefore, industry could not take off. I do not think at this distance of time this grievance of the petitioners should be addressed by this court. Present challenge is against recovery proceedings i.e. for recovery of arrears of loan availed by the petitioner and interest accrued thereon. Standing Counsel for KFC submitted that petitioner's loan was recalled in February 2003 and petitioners approached this court two times before and this is the third writ petition. No valid ground is raised against recovery proceedings. The loan is covered by proper agreement and security is furnished by the petitioners. I do not find any ground to interfere with recovery proceedings. The OTS benefit granted pursuant to direction of this court was also not acceptable to the petitioners. In the circumstances, respondents are free to proceed for

recovery of loan arrears with interest. The W.P. is accordingly dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms